

The Hon. Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOHNY MIXAYBOUA,
Defendant.

NO. 2:23-cr-00103-RAJ

FINAL ORDER OF FORFEITURE

THIS MATTER comes before the Court on the United States' Motion for a Final Order of Forfeiture for the following property:

- A Polymer-80 9mm caliber handgun, approximately 60 rounds of 9mm ammunition, and any other associated ammunition (the "Subject Property").

The Court, having reviewed the United States' motion, as well as the other pleadings and papers filed in this matter, HEREBY FINDS that entry of a Final Order of Forfeiture is appropriate for the following reasons:

1. In the Plea Agreement that Defendant Mixayboua entered on December 5, 2023, he agreed to forfeit his interest in the Subject Property as firearms and ammunition that were used or involved in Defendant's Unlawful Possession of a Firearm offense, in violation of 18 U.S.C. § 922(g)(1), pursuant to 18 U.S.C. § 924(d)(1), by way of 28 U.S.C. § 2461(c), to which he entered a plea of guilty (Dkt. No. 24);

2. On February 23, 2024, the Court entered a Preliminary Order of Forfeiture, finding the Subject Property forfeitable pursuant to 18 U.S.C. § 924(d)(1), by way of 28 U.S.C. § 2461(c), and forfeiting to the United States Defendant Mixayboua's interest in it (Dkt. No. 37);

3. Thereafter, the United States published notice of the pending forfeiture as required by 21 U.S.C. § 853(n)(1) and Federal Rule of Criminal Procedure ("Fed. R. Crim. P.") 32.2(b)(6)(C) (Dkt. No. 39), and provided direct notice to one identified potential claimant (Declaration of Assistant U.S. Attorney Krista K. Bush in Support of Motion for a Final Order of Forfeiture, ¶ 2, Exhibit A); and,

4. The time for filing third-party petitions has expired and none were filed.

NOW, THEREFORE, THE COURT ORDERS:

1. No right, title, or interest in the Subject Property exists in any party other than the United States;

2. The Subject Property is fully and finally condemned and forfeited, in its entirety, to the United States;

3. The United States Department of Justice, and/or their representatives, are authorized to dispose of the Subject Property in accordance with the law; and

4. The Court will retain jurisdiction for the purpose of enforcing the Final Order of Forfeiture as necessary pursuant to Federal Rule of Criminal Procedure 32.2(e)

IT IS SO ORDERED.

DATED this 21st day of June, 2024.



The Honorable Richard A. Jones
United States District Judge